United Nations A/CONF.217/2013/2

General Assembly

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Final United Nations Conference on the Arms Trade Treaty
New York, 18-28 March 2013

Report of the Final United Nations Conference on the Arms Trade Treaty

I. Introduction

1. In its resolution 67/234, the General Assembly decided to convene in New York, from 18 to 28 March 2013, the Final United Nations Conference on the Arms Trade Treaty, to be governed by the rules of procedure adopted on 3 July 2012 and contained in document A/CONF.217/L.1, in order to finalize the elaboration of the Arms Trade Treaty, in an open and transparent manner, utilizing the modalities, applied mutatis mutandis, under which the United Nations Conference on the Arms Trade Treaty operated in 2012.

2. In the same resolution, the General Assembly also decided that the draft text of the Arms Trade Treaty submitted by the President of the United Nations Conference on the Arms Trade Treaty on 26 July 2012 in conference room paper A/CONF.217/CRP.1 should be the basis for future work on the Arms Trade Treaty, without prejudice to the right of delegations to put forward additional proposals on that text.

3. The General Assembly further requested the Secretary-General to undertake consultations for the nomination of the President-designate of the Final United Nations Conference on the Arms Trade Treaty and requested the President-designate to undertake prior to the Conference in 2013 consultations on the basis of the draft text of the Arms Trade Treaty submitted by the President of the United Nations Conference on the Arms Trade Treaty in conference room paper A/CONF.217/CRP.1.

II. Organizational matters and proceedings of the Conference

A. Opening and duration of the Conference

4. The Final United Nations Conference on the Arms Trade Treaty was convened at United Nations Headquarters in New York from 18 to 28 March 2013. The

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Conference was opened by the High Representative for Disarmament Affairs on 18 March 2013. At the same meeting, Peter Woolcott (Australia) was elected President of the Conference. The Secretary-General of the United Nations addressed the Conference. Daniel Prins of the Office for Disarmament Affairs was appointed Secretary-General of the Conference. The Conference held plenary meetings and informal meetings. The list of participants is contained in document A/CONF.217/2013/INF/2.

B. Rules of procedure

5. At its 1st meeting, on 18 March, the Conference adopted its rules of procedure (A/CONF.217/L.1).

C. Agenda and organization of work

6. At the same meeting, the Conference adopted its agenda (A/CONF.217/2013/L.1) as follows:

1. Opening of the Final Conference.
2. Election of the President.
3. Statement by the President.
4. Address by the Secretary-General of the United Nations.
5. Adoption of the rules of procedure.
6. Adoption of the agenda.
7. Election of officers other than the President.
8. Confirmation of the Secretary-General of the Final Conference.
9. Credentials of representatives to the Final Conference:
   (a) Appointment of the members of the Credentials Committee;
   (b) Report of the Credentials Committee.
10. Organization of work.
11. General exchange of views.
12. Statements by:
   (a) Representatives of intergovernmental organizations;
   (b) Representatives of non-governmental organizations.
13. Consideration and adoption of the final documents of the Final Conference.
14. Other matters.
15. Adoption of the report of the Final Conference to the General Assembly.

7. Also at the same meeting, the Conference approved its indicative programme of work, as proposed by the President (A/CONF.217/2013/INF/1/Rev.1).

D. Officers

8. The composition of the Bureau of the Conference was as follows:

President:
Peter Woolcott (Australia)

Vice-Presidents:
Argentina
Azerbaijan
Belize
Egypt
Estonia
Japan
Mexico
Netherlands
Nigeria
Pakistan
Republic of Korea
Romania
South Africa
Sweden

E. Documentation

9. The documents of the Conference are listed in the annex to the present report.

III. Credentials

10. Pursuant to rule 4 of the rules of procedure of the Conference (A/CONF.217/L.1), according to which the composition of the Credentials Committee shall be based on that of the Credentials Committee of the General Assembly at its sixty-seventh session, the Conference appointed Angola, China, Peru, the Russian Federation, Seychelles, Sweden, Thailand, Trinidad and Tobago and the United States of America as members of its Credentials Committee.

11. At its 16th meeting, on 27 March, the Conference adopted the draft resolution recommended by the Credentials Committee in paragraph 13 of its report (A/CONF.217/2013/1), which had examined the credentials of the representatives of Member States to the Conference and found them to be in order. A statement in explanation of position after the adoption was made by the representative of Kuwait on behalf of the Arab Group.

IV. Consideration and adoption of the final documents of the Conference and the report of the Conference to the General Assembly

12. The Conference held 17 plenary meetings from 18 to 28 March 2013, at which it considered and negotiated the text of the Arms Trade Treaty under agenda item

13. The President appointed facilitators who conducted informal meetings on aspects of the Arms Trade Treaty as follows:

Ambassador Mari Amano (Japan), brokering

Ambassador Paul Beijer (Sweden), scope

Mr. Roberto Dondisch (Mexico), diversion

Mr. Bouchaib Eloumni (Morocco), preamble; principles; object and purpose

Ambassador Dell Higgie (New Zealand), general implementation; relationship with other international agreements

Ambassador Paul van den IJssel (Netherlands), record-keeping; reporting

Ambassador Federico Perazza (Uruguay), final provisions

Mr. Zahid Rastam (Malaysia), transit or trans-shipment

Ambassador Riitta Resch (Finland), other considerations

Ms. Shorna Kay Richards (Jamaica) and Ms. Michelle Walker (Jamaica), prohibitions

Mr. Rob Wensley (South Africa), international cooperation; international assistance.

14. At its 14th meeting, on 26 March, the Conference established a Drafting Committee to conduct a technical review of the President's final draft text of the Treaty, and appointed Belarus, China, Côte d'Ivoire, France, Iraq, Japan, Malaysia, Mexico, Morocco, Nigeria, Romania, Switzerland, Trinidad and Tobago, United Kingdom and Uruguay as members of the Committee. At its meeting, on 27 March, the Committee elected Juan Manuel Gomez Robledo (Mexico) as its Chair. At the Conference's 16th plenary, on 27 March, the President presented an oral report of the Committee's work on behalf of the Chair of the Committee.

15. At its 17th meeting, on 28 March, the President proposed for the Conference's adoption by consensus draft decision A/CONF.217/2013/L.3 to which a draft text of the Arms Trade Treaty was annexed. The President concluded that, in accordance with rule 33 of the rules of procedure, there was no consensus, and the draft decision was not adopted.

16. At the same meeting, the Conference adopted its report to the General Assembly by consensus.

Annex

Documentation

The Conference had before it the following documents:

Provisional rules of procedure of the Conference (A/CONF.217/L.1);

Draft of the Arms Trade Treaty (A/CONF.217/CRP.1);

Draft provisional agenda of the Final Conference (A/CONF.217/2013/L.1);

Draft report of the Final United Nations Conference on the Arms Trade Treaty (A/CONF.217/2013/L.2);

Draft decision submitted by the President of the Final Conference (A/CONF.217/2013/L.3);

Draft indicative programme of work (A/CONF.217/2013/INF/1/Rev.1);

Report of the Credentials Committee (A/CONF.217/2013/1);

Report of the Final United Nations Conference on the Arms Trade Treaty (A/CONF.217/2013/2);

Statement of Cuba (A/CONF.217/2013/3);

Statement of Kuwait (A/CONF.217/2013/4).

the Charter of the United Nations of non-intervention in domestic affairs and of the political independence and territorial integrity of States.

- It is equally unjustifiable that the final draft treaty does not include a ban on the transfer of arms in order to carry out actions that use or threaten the use of force in contravention of the Charter of the United Nations, including acts of aggression.

- The principles that should guide the implementation of the treaty, minimum safeguards that the majority of States rely on to address possible abuses and manipulations, were unjustifiably excluded from the instrument's operative paragraphs and their relevance was intentionally watered down with regard to the implementation of the treaty.

- The final draft treaty empowers arms-exporting States to evaluate, at their discretion, the conduct of importing States, on the basis of a list of subjective and imprecise criteria, which can easily be abused and manipulated for political reasons in order to hinder the right of States to acquire and possess arms for self-defence, as recognized by Article 51 of the Charter of the United Nations.

- As the scope of the treaty is unclear, there is a real risk that each State will produce their own definitions of that scope and that the treaty will be implemented inconsistently. By not expressly excluding from its scope dual-use parts and components, which are broadly used for legitimate peaceful purposes, the proposed treaty risks becoming a new system for controlling the transfer of technology, equipment and parts, affecting their use in the civilian sphere, particularly by countries that need resources for development.

- The treaty's effectiveness and universality is undermined by not making its entry into force dependent upon its ratification by the major arms producers and exporters.

We hope that these elements will be duly taken into account when considering any future action with regard to this instrument.

I request that this statement be duly reflected in the final report of the Conference.

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Statement by the representative of Kuwait

On behalf of the member States of the Arab group, I would like to express my thanks to you for your efforts in conducting the Final United Nations Conference on the Arms Trade Treaty with transparency and for your presentation of the new text of the draft treaty. I would also like to put forward the following observations.

Reiterating its position held at the beginning of the Conference and through its successive statements on the importance of a balanced and universally acceptable treaty, the Arab group believes that this objective cannot be reached except by taking into account the concerns and aspirations of the participating States. In this context, the Arab group expresses its deep regrets at the absence of Arab demands in the text, which had been stressed in previous texts. The group reiterates in this context that the text before us overlooks the following proposals, which were earlier underlined by the group:

1. Taking account of the interest of all States and not exclusively that of producing and exporting States. Also taking into account the positions of all delegations in a balanced manner. The great majority of the text before us lacks this aspect.

2. Inclusion of the principle of the inalienable right of all peoples under foreign occupation to self-determination, the right to territorial integrity and the political independence of States and the rejection of foreign occupation, and the inadmissibility of the occupation of the lands of others as practised by Israel in the Arab territories, including the occupied Palestinian territory. The group expresses its astonishment at the absence from the present version of any mention of rejection of foreign occupation as one of the principles and norms of the treaty, notwithstanding the fact that foreign occupation constitutes a flagrant violation of international peace and security and that it contradicts international law in general and international humanitarian law and international human rights law in particular.

3. The need to develop a mechanism for the settlement of disputes arising from a denial of permission to transport or export arms, by which importing States could have guarantees that the application of the treaty would not be politicized.

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4. The proposed technical cooperation fund should be financed through mandatory contributions by major producing and exporting member States. Its activities should aim at supporting developing countries in fulfilling the obligations under the treaty.

5. Replacement of the term "end usage" with "end user" throughout the text.

6. The need to underline that ratification by a sufficient number of producing, exporting and importing States would contribute to the effectiveness of the treaty.

7. The lack of a reporting system for the submission of objective reports and selectivity owing to the absence of a clear mechanism making it mandatory for exporting States to submit sufficient information about denials of permission to export or transport arms.

The above principles should become an integral part of the operative paragraphs.

The Arab group would like to put on record once that acceptance by the Credentials Committee of the credentials of the Israeli delegation, which were signed in Jerusalem, does not in any way imply recognition by the Arab States, the United Nations or the international community of the de facto illegal situation imposed by Israel, the occupying Power, in the City of Jerusalem, including the allegation that Jerusalem is its capital.

The Arab group would also like to put on record that the political arrangement reached with regard to the participation of the State of Palestine and the Holy See in the Conference and the manner in which their credentials were managed by the Credentials Committee is a one-time exceptional arrangement that should not and cannot set a precedent for future conferences open to the participation of all States.

The Arab group believes that the Chair's text before us does not meet the main demands of the Arab group set forth above, which aim to enhance the treaty and make it more balanced and effective as a basis of a new international system for the regulation of the trade in conventional arms with a view to combating illicit trade. The Arab group considers that the text of the treaty before it still contains numerous terms that lack specific definition, in addition to leaving the assessment mechanism to the discretion of exporting States without any obligation for honest, objective and non-politicized implementation in conformity with relevant international instruments. The Arab group will continue to put forward those basic principles that aim to preserve international peace and security and respect of international law on an objective basis.

In conclusion, the Arab group requests that the present statement be reflected in the official records of the meeting and in the final report.